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*Attorney for Defendants Art Acosta and Michelle Acosta*

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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

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12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 SERGIO BARAJAS,  
16 ALLAN CASSELL,  
17 ELENA MILLNER,  
18 BENJAMIN STUELKE,  
19 MICHELLE ACOSTA,  
ART ACOSTA, and  
ERNESTO GARCIA,

20 Defendants.

Case No. 2:17-CR-000316-RFB-CWH

**STIPULATION AND ORDER TO  
CONTINUE DEADLINES TO FILE  
JOINT MOTIONS AND FOR THE  
GOVERNMENT TO FILE ITS  
RESPONSE**

(First Request)

21  
22 IT IS HEREBY STIPULATED and AGREED by and between the United States of  
23 America, by and through DANIEL SCHIESS, Assistant United States Attorney, and Defendant  
24 SERGIO BARAJAS, by and through his counsel, RUSSELL E. MARSH, Defendant ALAN  
25 CASSELL, by and through his counsel DAVID BROWN, Defendant ELENA MILLNER, by  
26 and through her counsel PETER CHRISTIANSEN, Defendant BENJAMIN STUELKE, by and  
27 through his counsel VICKI PODBERESKY, Defendant MICHELLE ACOSTA, by and through  
28 her counsel, MELANIE HILL, Defendant ART ACOSTA, by and through his counsel,

1 MELANIE HILL, and Defendant ERNESTO GARCIA, by and through his counsel, DEAN  
2 STEWARD that the following deadlines be extended:

- 3 (1) THE DEFENDANTS' DEADLINE TO FILE A SEALED MOTION FOR A JOINT  
4 PROPOSED BUDGET FOR A DISCOVERY COORDINATOR,  
5 (2) THE DEFENDANTS' DEADLINE TO FILE A JOINT MOTION REGARDING  
6 DISCOVERY PRODUCTION, AND  
7 (3) THE GOVERNMENT'S DEADLINE TO FILE ITS RESPONSE.

8 This Stipulation is executed for the following reasons:

- 9  
10 1. Defense counsel Melanie Hill and Russell Marsh have reached out to Russell Aoki  
11 to prepare a budget for coordinating discovery attorney services and the services of  
12 his staff to review and organize the discovery in a format that can be easily  
13 assessable to the defense and their respective counsel.  
14 2. Defense counsel Vicki Podberesky has reached out to iPro to discuss organizing and  
15 hosting the discovery in eclipse and is awaiting pricing. She has also requested an  
16 unencrypted drive from AUSA Schiess for review and pricing from iPro.  
17 3. After discussion between defense counsel Melanie Hill, defense counsel Russell  
18 Marsh, Russ Aoki, and AUSA Schiess regarding how the discovery could be made  
19 available to Mr. Aoki, Ms. Hill dropped off a hard drive to the U.S. Attorneys' office  
20 on Monday, July 23, 2018. Due to the volume of the discovery and the encryption  
21 of the data, it took a week for the encrypted discovery to be written to the hard drive.  
22 4. The hard drive was overnighted to Mr. Aoki on Monday, July 30, 2018 and after he  
23 reviewed the encrypted hard drive, Mr. Aoki determined that it would take two  
24 weeks to extract the data off the hard drive before he and his staff could start to  
25 analyze the discovery files and prepare a budget.  
26 5. Mr. Aoki sought a written encryption waiver from AUSA Schiess and Mr. Schiess  
27 and Mr. Aoki came to an agreement that the Government would reproduce the  
28 discovery on an Adonis drive which Mr. Aoki has informed all counsel will be a

1 faster download that the encrypted drive currently in his possession. The U.S.  
2 Attorneys' office started copying the drive on Thursday, August 2, 2018 and staff at  
3 the U.S. Attorneys' office believe it will take another 14 hours to complete the data  
4 transfer. Thus, the Adonis drive should be ready by Monday, August 6, 2018, the  
5 current deadline to provide the Court with a sealed motion and proposed budget.

- 6
- 7 6. The Government will FedEx the drive directly to Mr. Aoki and Mr. Aoki has  
8 estimated that it will take him and his staff approximately three weeks to download  
9 and analyze the discovery in order to prepare a budget for the Defendants and the  
10 Court.
- 11 7. The Defendants are further requesting that the Court also extend their deadline to  
12 inform the Court of their respective positions about payments upfront or completing  
13 financial affidavits to seek access to CJA funds to pay the cost pf the coordinating  
14 discovery attorney so that they know the total budget amount prior to making a final  
15 determination.
- 16 8. The Defendants are also requesting that the Court extend their deadline to file a joint  
17 motion requesting that the Court order the Government to produce the electronic  
18 data in a particular format or order the Government to take some other actions  
19 regarding the production of the discovery until after Mr. Aoki has provided them  
20 further information regarding the particulars of the discovery and how it was  
21 produced after Mr. Aoki is able to extract the discovery and review it.
- 22 9. The parties request the following revised motions schedule. The Defendants' Sealed  
23 Motion for a Joint Proposed Budget for a Discovery Coordinator shall be due on or  
24 before Monday, August 27, 2018. The Defendants' Joint Motion requesting that the  
25 Court order the Government to produce the electronic data in a particular format or  
26 order the Government to take some other actions regarding the production of the  
27 discovery shall be due on or before Monday, August 27, 2018. The Government  
28 shall file its response to this motion by September 10, 2018.

1 10. The additional time requested by this Stipulation is made in good faith and not for  
2 the purposes of delay.

3 Respectfully submitted by,

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5 DAYLE ELIESON  
6 UNITED STATES ATTORNEY

WRIGHT STANISH & WINCKLER

7 By: /s/ Daniel R. Schiess  
8 DANIEL R. SCHIESS  
9 Assistant U.S. Attorney

By: /s/ Russell E. Marsh  
RUSSELL E. MARSH  
Attorney for Defendant Sergio Barajas

10 BROWN, BROWN & PREMSRIRUT

CHRISTIANSEN LAW OFFICES

11 By: /s/ David T. Brown  
12 DAVID T. BROWN  
13 Attorney for Defendant Alan Cassell

By: /s/ Peter S. Christiansen  
PETER S. CHRISTIANSEN  
Attorney for Defendant Elena Millner

14 ANDRUES/PODBERESKY

MELANIE HILL LAW PLLC

15 By: /s/Vicki Podberesky  
16 VICKI PODBERESKY  
17 Attorney for Defendant Benjamin Stuelke

By: /s/ Melanie A. Hill  
MELANIE A. HILL  
Attorney for Defendant Michelle Acosta

18 MELANIE HILL LAW PLLC

H. DEAN STEWARD, APC

19 By: /s/ Melanie A. Hill  
20 MELANIE A. HILL  
21 Attorney for Defendant Art Acosta

By: /s/ H. Dean Steward  
H. DEAN STEWARD  
Attorney for Defendant Ernesto Garcia

22 **ORDER**

23  
24 IT IS SO ORDERED.

25 Dated this 7th day of August, 2018.

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28 RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE